

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

VINESSA DONATELLI

)
)
)
)
)

Case No. 2:06-CR-272-MEF

MOTION TO CONTINUE TRIAL

COMES NOW, the defendant, Vinessa Donatelli, by and through undersigned counsel, Joseph P. Van Heest, and hereby files her motion to continue the trial in the above-styled cause and in support of this motion, states the following:

1. Ms. Donatelli was indicted on November 16, 2006 and the case was unsealed following her arrest on December 12, 2006. The indictment charges one count of bank fraud arising from the defendant's alleged deposits of three counterfeit checks drawn on non-existing accounts in March & April, 2003.

2. Hon. Stephen R. Glassroth noticed his appearance on Ms. Donatelli's behalf and was present with her at her December 12, 2006 initial appearance and arraignment. He has since closed his law practice.

3. Undersigned counsel met with Ms. Donatelli on Friday, January 5, 2007, and filed his Notice of Appearance on Monday, January 8, 2007.

4. The matter is set for a Pretrial conference on Friday, January 12, 2007, at 1:00 pm.

5. Defense counsel has spoken with the Assistant United States Attorney assigned to prosecute the matter and he has no objection to the matter being continued. During that discussion, defense counsel reiterated what prior defense counsel had stated;

namely, that Ms. Donatelli intends to apply for pretrial diversion in order to resolve the matter. However, undersigned counsel does not yet have the familiarity with all of the facts necessary to prepare and submit the application for pretrial diversion, and anticipates it will take three weeks before that application is filed.

6. Once the application for pretrial diversion is filed, the AUSA will require time to review the matter and make a recommendation to the United States Attorney. Then, if a final decision is made by the United States Attorney approving pretrial diversion, then the United States Probation Office must conduct an interview with Ms. Donatelli and a contract must be signed.

7. This motion is not being filed simply for delay. Ms. Donatelli is currently under pretrial supervision and believes that no prejudice will be suffered by either party if a continuance is granted. In fact, a continuance should assist in a proper and appropriate resolution to this case.

8. A Waiver of Speedy Trial has been executed and is being filed contemporaneously with this motion.

WHEREFORE, for the reasons set forth above, defendant prays that this Court will grant her motion to continue the matter to Judge Fuller's July, 2007 trial term in order to permit sufficient time to address the issue of pretrial diversion.

Respectfully submitted

s/Joseph P. Van Heest
JOSEPH P. VAN HEEST
LAW OFFICE OF JOSEPH P. VAN HEEST, LLC
Post Office Box 4026
402 South Decatur Street

Montgomery, AL 36103-4026
Phone: (334) 263-3551
Fax: (334) 263-3227
jpvanheestcourts@bellsouth.net
AL Bar Code: VAN026

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Hon. Andrew O. Schiff,
Assistant United States Attorney
Post Office Box 197
Montgomery, AL 36101-0197
Counsel for the Government

Respectfully submitted,

s/Joseph P. Van Heest
JOSEPH P. VAN HEEST
LAW OFFICE OF JOSEPH P. VAN HEEST, LLC
Post Office Box 4026
402 South Decatur Street
Montgomery, AL 36103-4026
Phone: (334) 263-3551
Fax: (334) 263-3227
jpvanheestcourts@bellsouth.net
AL Bar Code: VAN026